

FREDERICK COUNTY BOARD OF APPEALS
STAFF REPORT FOR AUGUST 26, 2021 @ 7pm

Case Number: B-21-10 (B265287)

Appellant: Brian Barrows
C/o Miles and Stockbridge
30 W. Patrick Street
Frederick, MD 21701

Appeal: Appeal of May 24, 2021 Zoning Verification
Determination that Gunsmith use is not permitted
as a Home Occupation With No Impact, Case File
V265142

Location: 9033 Allington Manor Circle West, Frederick MD
21703, Tax Map 0086, Parcel 229, Tax ID 28573774,
Size: .19 Acres

Planning Region: Frederick

Zoning District: Planned Unit Development (PUD)

Comp. Plan Designation: Medium Density Residential

Applicable Ordinances: Sec. 1-19-3.230 APPEALS

Background:

The Appellants have filed an Appeal to the Frederick County Board of Appeals, of the May 24, 2021 letter decision by the Frederick County Zoning Administrator that ***“Gunsmith use is not permitted as a Home Occupation With No Impact”***.

The Zoning Administrator’s determination is in response to Appellant’s Request for Determination, dated April 16, 2021 (a copy of which is attached hereto and incorporated herein as Exhibit B), filed pursuant to Frederick County Zoning Ordinance § 1-19-2.140 (the “Request”).

The Appellant disputes the Determination’s conclusion that the proposed gunsmith use as described in the Request is not permitted at the Property as a “Home occupation with ‘no impact’” (Zoning Ord. §1-19-8.240.(A)(b)). The Determination, does, however, acknowledge that “Gunsmithing is only permitted as a “Home occupation with ‘minor impact’” (*Id.* §1-19-8.240.(A)(c)) “when someone is repairing or modifying an existing firearm that is provided by a client and that same firearm is returned to the client after the work is concluded.”

§ 1-19-3.230. APPEALS.

(A) Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the jurisdiction affected by any decisions of the administrative officer. Such appeal shall be taken within 30 days after the date of the action or decision being appealed, by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(B) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after notice of appeal shall have been filed with him that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

(C) The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(D) In exercising the above-mentioned powers such Board may, in conformity with MD. Ann. Code, Art. 66B, as amended, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

Action Needed:

Staff requests that the Board review the request for Appeal as per Sections 1-19-3.230 (*Appeals*) and render a decision on the Appellant's request.

Site Maps:







